

Atty. Docket No. NOKIA.4006US

BEST AVAILABLE COPY**REMARKS/ARGUMENTS**

Claims 30, 32, 35-52, and 55 are pending in this application. Claims 30, 40-42, and 52 have been amended, and claims 31, 33, 34, 53, 54 and 56 have been cancelled without prejudice, by this Amendment.

The Office Action dated August 8, 2005 rejected claims 40-42 as being indefinite under 35 USC 112, second paragraph. The Office Action also rejected claims 30-44 and 47-56 as being rendered obvious by prior art under 35 USC 103. Applicants gratefully acknowledge the indication that claims 45 and 46 are allowable over the prior art.

Indefiniteness Rejection

The grounds for the indefiniteness rejection of claims 40-42 is set forth in part 3 on page 2 of the Office Action. Specifically, the rejection points out that there is no antecedent basis for claims 40-42 for "said first fixed connection" and "said second fixed connection." The Examiner considers that claims 40-42 should be dependent on claim 39. Applicants have amended claims 40-42 to be dependent on claim 39 as suggested by the Examiner and submit that the rejection has thus been fully addressed by the Amendment.

Obviousness Rejections - Claims 30-39, 43-44 and 47-56

The grounds for the obviousness rejection of claims 30-39, 43-44 and 47-56 is set forth in part 5 on pages 2-12 of the Office Action. Specifically, the rejection asserts that the claims are rendered obvious under 35 U.S.C. 103(a) by the telephone system and Vehicle Communication Control Unit (VCCU) shown in Figs. 2 and 6, and described at page 5, line 1, to page 8, line 5, and page 13, line 5, to page 14, line 5, of GB Patent No. 2,310,973 issued to Armbruster et al. (for the sake of simplicity the telephone system and VCCU are hereafter collectively referred to as "Armbruster") when considered in view of U.S. Patent No. 5,950,129 to Schmid. Applicants respectfully traverse the rejection at least because it fails to establish a *prima facie* case that each and every one of the combination of features recited in the claims is suggested by the proposed combination of Armbruster and the '129 patent.

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For example, independent claims 30 and 52 (all other claims are dependent) recite the features of a server terminal "having an identification address" and a location data base "identifying users of the cellular telephone system when their identities are accepted by respective user terminals" and "associating those users with said identification address." The latter features allow the handover of calls to be carried out more conveniently by associating a plurality of users with a single IP address (see, for example, page 5, third paragraph, of the specification). Furthermore, these features also allows the present invention to avoid the disadvantage being addressed by Armbruster (see quote below), concerning the address stored in the visitor location register (VLR) database in a conventional mobile switching centre (page 5, paragraph 2). Therefore, a passenger can be contacted via their normal phone number, without knowledge of the identity of the vehicle.

In Armbruster, the location of each passenger is individually registered and tracked, rather than the location of the mobile vehicle. The rejection acknowledges that Armbruster does not include a server terminal, on board said vehicle, connected to said transceiver and having an identification address. However, the rejection asserts that the '129 patent discloses an aircraft in-flight system controller located on the aircraft for "providing location and activity information for the subscriber to the ground in-flight system controller", and that it would have been obvious to implement Armbruster with "a server such as the AISC" in order to provide Armbruster with "the enhanced capability of identification means, which may enable the use of different mobile terminals mounted in the vicinity of a passenger seat so that the mobile terminal can be open to outgoing calls as well as to incoming calls at the unique telephone number linked to the server circuit..." The rejection further asserts that such implementation would further provide "identification means in order to establish a communication between the server circuit and an on-board transceiver, which identifies the users of the phones and relating the users with their identities as the users identify themselves with their respective smart cards or SIMs when run through a card reader located in the telephone terminals at the user's seat."

Applicants respectfully submit that the rejection fails to establish any reason or motivation for one of ordinary skill in the art to partially modify Armbruster in the selective manner

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apparently proposed in the rejection. First of all, it is apparently proposed that Armbruster be selectively altered only to the extent necessary to include the AISC disclosed in the '129 patent. There is no clear explanation why this selective alteration would be done and why one of ordinary skill in the art would not instead, for example, merely choose to use the system described in the '129 patent instead of Armbruster. The rejection does not point to any portion of the '129 patent or to any other prior art which provides a reason for making the selective and partial modification of Armbruster apparently being proposed in the obviousness rejection. The rejection does cite some portions of the '129 patent, but the cited portions only indicate what is disclosed and do not contain any teachings, much less any teachings of the modification of Armbruster proposed in the rejection.

Furthermore, the proposed selective combination of the AISC in the '129 patent with Armbruster is not obvious when both patents are read to consider their respective teachings. Indeed, the Armbruster patent teaches away from the proposed combination. For example, the Armbruster patent states that:

"The method and apparatus of the present invention differs from and provides advantages over the prior art in that the method and apparatus of the present invention individually registers and tracks the location of each passenger rather than tracking the location of the mobile vehicle. In other words, the location of each passenger can be accessed based on the identity of the passenger, not the identity of the vehicle in which the passenger is traveling. This aspect of the method and apparatus of the present invention allows a passenger to be contacted without knowledge of the identity of the vehicle." (see page 7, lines 11-18).

In other words, the Armbruster patent presents the feature of tracking each passenger individually as being an advantageous and distinguishing feature of the Armbruster embodiment. A skilled person considering the Armbruster patent would be disinclined to remove or modify this feature of the Armbruster embodiment because of the positive teaching associated with that distinguishing feature. There is nothing in the '129 patent which would lead one of ordinary skill in the art to proceed otherwise.

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Claim Amendments

In addition to the reasons set forth above, independent claims 30 and 52 have been amended to include the features recited in original dependent claims 33 and 34 (which are now cancelled). Thus, independent claims 30 and 52 now recite the features that a control apparatus in the telephone system is "operable to control simultaneously the handover of the established communication when the vehicle moves from a first one of the said regions to a second one of the said regions" and that "the identification address remains unaltered as said vehicle moves from said first to said second respective regions."

The Examiner claims that these features are disclosed at page 14, lines 6-26 of the Armbruster patent. However, this section only discloses that an MSC is a point where communications transit between the system and another network. In the Armbruster embodiment, each communication must be handed over individually and not together under an unaltered identification address of a vehicle, and the features now recited in independent claims 30 and 52 are not included. The Armbruster and the '129 patents do not address the problem of handover, and do not suggest the features now recited in independent claims 30 and 52.

Obviousness Rejection - Claims 40-42

The grounds for the obviousness rejections of claims 40-42 are set forth in parts 6 and 7 on pages 12-14 of the Office Action. Both rejections rely upon published patent applications (U.S. Publication Nos. 200200447787 and 20030208764, respectively). However, each one of the published patent applications was filed after the March 23, 1999 priority date of this application. Applicants therefore respectfully submit that neither patent publication is prior art, and that the rejections should be withdrawn at least for this reason.

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Conclusion

Applicants submit that all of the pending claims are allowable for at least the above reasons. A Notice of Allowance is respectfully requested.

Applicant does not believe any fees are due with this response. However, the Commissioner is hereby authorized to charge any deficiency, or to credit any overpayment, to the undersigned attorney's Deposit Account No. 10-0100 (Docket. No. NOKIA.4006US).

Respectfully Submitted,



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